

**LISTING OF CLAIMS:**

Claims 1-45 (Canceled)

Claim 46 (Currently amended): An endoscopic surgical apparatus comprising:

a handle portion

an endoscopic portion extending distally from and being rotatable in relation to the handle portion, the endoscopic portion including an elongated tubular section having a proximal end and a distal end;

an articulation portion pivotally supported on the distal end of the elongated tubular section;

a tool head supported by the articulating portion, the tool head including cooperating jaws, the jaws being movable in relation to each other between open and closed positions;

a link supported within the endoscopic portion, the link having a proximal end and a distal end, the distal end operatively connected to the articulating portion and being movable within the endoscopic portion to pivot the articulation portion about an axis transverse to a longitudinal axis of the endoscopic portion; and

an actuation member supported within the endoscopic portion, the actuation member having a distal end operatively connected to the tool head and being movable with the endoscopic portion to move the cooperating jaws between the open and closed positions.

Claim 47 (Previously presented): An endoscopic surgical apparatus according to Claim 46, wherein the actuation member includes a flexible cable.

Claim 48 (Previously presented): An endoscopic surgical apparatus according to Claim 46, wherein the cooperating jaws are configured as gaspers.

Claim 49 (Canceled)

Claim 50 (Currently amended): An endoscopic surgical apparatus according to ~~Claim 49~~ Claim 46, further including a rotatable collar secured to the proximal end of the endoscopic portion and supported on the handle portion, the collar being rotatable to effect rotation of the endoscopic portion in relation to the handle portion.

Claim 51 (Previously presented): An endoscopic surgical apparatus according to Claim 46, wherein the handle portion includes a fixed handle and a movable handle, the movable handle being operatively connected to the link and being actuable to move the link within the endoscopic portion.

Claim 52 (Previously presented): An endoscopic surgical apparatus according to Claim 51, further including a rod interconnecting the distal end of the link to the articulating portion, the rod being pivotally connected to the link and the articulating portion.

Claim 53 (Previously presented): An endoscopic surgical apparatus according to Claim 46, wherein the articulating portion is pivotable about a pivot point within a 90<sup>0</sup> sector of rotation.

Claim 54 (Currently amended): An endoscopic surgical apparatus according to Claim 46, wherein the cooperating jaws are configured as ~~paddles~~ multiple blade members.

Claim 55 (Previously presented): An endoscopic surgical apparatus according to Claim 46, wherein the elongated tubular section includes a longitudinal slot extending proximally from the distal end thereof, the articulating portion being pivotally supported within the longitudinal slot.

Claim 56 (New): An endoscopic surgical apparatus according to Claim 46, further comprising a rotatable wing member secured to the proximal end of the link and supported on the handle, the wing member being rotatable to effect rotation of the articulating portion in relation to the handle portion to a predetermined position.

#### **REMARKS**

This response is being submitted in light of the Notice of Non-Compliant Amendment dated October 1, 2004. Claims 46-48 and 50-56 are currently pending in the application. By this amendment, Claims 46, 50 and 54 have been amended, Claims 1-45 and 49 have been canceled, and Claim 56 has been added. No new matter has been introduced. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested. Accordingly, early and favorable consideration of this application is respectfully requested.

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Respectfully submitted,

*Christopher G. Trainor*

**CARTER DeLUCA, FARRELL & SCHMIDT, LLP**  
445 Broad Hollow Road – Suite 225  
Melville, N.Y. 11747  
Phone: (631) 501-5700  
Fax: (631) 501-3526

Christopher G. Trainor  
Reg. No. 39,517  
Attorney for Applicant(s)

**Mailing Address:**  
**Chief Patent Counsel**  
**UNITED STATES SURGICAL,**  
**A Division of Tyco Healthcare Group LP**  
**150 Glover Avenue**  
**Norwalk, Connecticut 06856**  
**(203) 845-1000**  
CGT:rs